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C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 003513

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SUBJECT: EU SUMMIT AUTHORIZES ESDP MISSION FOR KOSOVO

Classified By: Acting DepPolCouns V. Carver for reasons 1.5 (b/d).

SUMMARY

1. (C) The European Council (summit) in Brussels December 14 endorsed an ESDP Mission for Kosovo, overcoming Dutch and Cypriot reservations. The summit mandated Solana to prepare the mission "in discussion with the responsible authorities in Kosovo and the United Nations." Some contacts see the summit's conclusions as providing UN SYG Ban a basis to "welcome" the EU's decision. The Romanian and Italian missions noted the united EU political decision will provide needed political cover to deflect domestic criticism on moving forward on Kosovo. The four EU members of the Quint, assisted by the Portuguese Presidency and Solana, sought the strong forward-leaning language. END SUMMARY

POLITICAL DECISION TO LAUNCH ESDP MISSION

2. (C) Contacts from several missions confirmed that the European Council conclusions mark a strong political decision to launch the ESDP Mission in Kosovo. The timing and exact modalities, including specifying its legal basis, will be determined by FMs, likely at their January 28 GAERC. The Portuguese Mission Balkans expert told us that it would be highly unlikely for any member state, including The Netherlands and Cyprus, to backtrack from this agreement reached by PMs. The German Mission Balkans expert told us that Chancellor Merkel had pushed for strong language on the ESDP Mission and is reportedly pleased with the result. While technically the mission can be formally launched only after the adoption of a joint action by the Commission and the Council, the German Mission here believes the joint action will proceed smoothly. Those wanting a clearer legal basis may get a statement from the UNSYG. If one is not forthcoming by late January, they will have to live with the political decision of PMs, our German contact concluded.

POLITICAL COVER FOR THE RETICENT

3. (C) The Romanian PSC Ambassador and the Italian COWEB expert told us separately December 17 that the conclusions provide their respective governments the broad "EU" cover needed to fend off domestic political attacks on Kosovo. The Romanian observed that his PM was "pleased" with the summit's results. The political cover, coupled with the understanding from Pristina that any declaration of independence will be coordinated with, inter alia, Brussels, eliminates the issue of Kosovo as a precedent as far as Bucharest is concerned.

4. (C) The Italian Mission COWEB expert told us that the Dutch PM was vocal in the summit about the need for a clear legal basis but agreed to the text, given that the "modalities" for the mission would be determined by FMs. According to the Italians and Germans, the Dutch found it easier to agree to the ESDP language given that the language

encouraging "Serbia to meet the necessary conditions (full cooperation with ICTY) to allow its SAA rapidly to be signed" was maintained. The Romanians also noted positively that the term "candidate status" also survived the PMs' discussion and redrafting. Dutch PSC Ambassador Milders told Pol M/C that his government was "not particularly pleased" by the "too thin" mandate upon which the ESDP Mission now appears to be based. The Hague was, however, reasonably satisfied with the compromise language adopted on Serbia. The Dutch believe that if the EU does not use its leverage now to secure Mladic's arrest, he will never be captured and extradited. In any case, he added, Kostunica's harsh reaction to the Council conclusions, including his retort that Serbia cannot be bought off by potential EU membership, demonstrates that accelerated candidate status will not produce the desired results.

MANDATING SOLANA TO PREPARE THE MISSION

15. (C) Several of our contacts noted that PMs inserted an additional sentence to the draft conclusions: "The Secretary General/High Representative is requested to prepare the mission in discussion with the responsible authorities in Kosovo and the United Nations." The Portuguese COWEB expert noted that this formalizes what has already been taking place for months, but the Portuguese PSC Ambassador told Pol M/C that Solana himself had orchestrated this addition. The Italian Mission said this addition was meant to address Swedish (and others') concerns that the EU -- and not just the EU members of the Quint -- take the lead on Kosovo.

GIVING UN SYG BAN A BASIS

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16. (C) Two of our contacts told us they viewed the addition of the sentence mandating Solana to prepare the mission as providing UN SYG Ban "something" to which he could respond. Should Ban "welcome" the Council conclusions, the EU could, in turn, stretch Ban's statement into providing the UN cover the Dutch crave.

COMMENT

17. (C) Finally, the Quint European Union members (characterized to us by several missions as quite active at the summit), with support from the Portuguese Presidency and Solana, pushed the European Council to action on Kosovo. The Dutch voiced their dissatisfaction with the legal arguments but ultimately signed on, given that a blank check on accelerated candidate status for Serbia was not formalized. The Cypriots used the summit to note, once again, that they would "never" recognize Kosovo and, according to the Portuguese, pocketed an IOU for future use, probably regarding Turkish accession (although the French told us they believed Cyprus will simply look for a few additional plumb slots in the EU bureaucracy as its payback). In any case, while the question remains of when, officially, to launch the mission, the political green light has been given, and even the Dutch and the Cypriots are not expected to cry foul in the weeks to come.

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